

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Respondent has filed a motion for an extension of time to file an answer to petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Having considered the motion and the balance of the record, the court does hereby find and ORDER as follows:

(1) Respondent's motion for an extension of time is the first such motion submitted by respondent. Furthermore, the motion does not appear to be for purposes of delay nor to prejudice petitioner in any way. Accordingly, respondent's motion for an extension of time to file an answer (Dkt. No. 11) is GRANTED.

(2) Respondent shall file the answer no later than **May 23, 2008**. Respondent shall file the answer and a copy thereof with the Clerk of Court, and serve a copy of all documents upon petitioner. As part of the answer, respondent shall state (a) whether petitioner has exhausted available state remedies, (b) whether there is any issue of abuse or delay under Rule 9, (c) whether an evidentiary hearing is necessary, and (d) whether the petition is timely. Respondent shall not

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1 file a dispositive motion in place of an answer without first showing cause as to why an answer is
2 inadequate.

3 (3) The answer will be treated in accordance with Local Rule CR 7, and the page
4 limits set forth in subsection (e)(3) of that rule shall apply. Accordingly, on the face of the
5 answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner may
6 file and serve a response no later than the Monday immediately preceding the Friday designated
7 for consideration of the matter, and respondent may file and serve a reply no later than the
8 designated Friday.

9 (4) The Clerk shall forward copies of this Order to petitioner, respondent and the
10 Honorable Robert S. Lasnik.

11 DATED this 24th day of April, 2008.

12 
13 JAMES P. DONOHUE
14 United States Magistrate Judge